

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

STATE OF MAINE, and)
PATRICIA AHO, in her capacity)
as Commissioner of the Maine)
Department of Environmental)
Protection,)
)
Plaintiffs,)
)
v.) 1:14-cv-264-JDL
)
GINA McCARTHY, in her capacity)
as Administrator, United States)
Environmental Protection)
Agency, and H. CURTIS)
SPALDING, in his capacity as)
Regional Administrator of the)
United States Environmental)
Protection Agency (Region I),)
)
Defendants.)

ORDER STAYING THE CASE FOR 120 DAYS

A hearing was held on February 12, 2015, in Bangor, Maine, regarding the State of Maine’s (“Maine’s”) Amended Complaint (ECF No. 7); the Environmental Protection Agency’s (“EPA’s”) Motion to Dismiss for Lack of Jurisdiction In Part, or, Alternatively, for Judgment on the Pleadings (ECF No. 13); and Maine’s Motion for Judgment on the Pleadings (ECF No. 14). Scott W. Boak, Esq., appeared for the Plaintiffs, and David A. Carson, Esq., appeared for the Defendants.

For the reasons set forth in the record of the hearing, the EPA expects to approve or disapprove the approximately ten water quality standards identified in ECF No. 22-1 at 4-5, within thirty (30) days, and, within sixty (60) days thereafter,

to approve or disapprove certain other water quality standards related to 2004 and/or earlier years.

Based on certain recent developments that include the EPA's recognition of Maine's authority to establish intrastate water quality standards affecting Indian land or territories, as well as actions taken by the EPA as identified in ECF No. 22, several of the issues previously presented for decision in this case may be moot.

Based on the foregoing, it is **ORDERED** that:

- a. This matter is stayed for a period of 120 days.
- b. The Clerk, after consulting with counsel regarding their availability, shall schedule a case management conference to be held after the expiration of the stay.
- c. No less than ten (10) days prior to the scheduled case management conference, each party shall file a memorandum that identifies, in a concise fashion, the legal issues that are moot and the legal issues that remain for decision in this case. The memoranda shall not exceed ten (10) pages in length.

This order is without prejudice to either party's right to move for relief from the stay in the event of unforeseen circumstances.

SO ORDERED.

This 13th day of February, 2015.

/s/ Jon D. Levy
U.S. District Judge